CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

JULY 19, 2005

INVOCATION:
Mr. Steve Massey gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino.

MEMBERS ABSENT
Councilmember Mariscal

STAFF MEMBERS PRESENT
City Manager Ness, Assistant City Manager Haydon, City Attorney Trujillo, Police Chief Macagni, Director of Administrative Services Snodgrass, Director of Utilities Chisam, Director of Community Development Lindsey, Fire Chief Ortiz, Director of Recreation and Parks Posada, City Librarian Pinneli, Planning Division Manager Bierdzinski, and Chief Deputy City Clerk Perez.

VOLUNTEER OF THE MONTH
Councilmember Trujillo presented a gift to Greg Hagopian, Recreation and Parks Department Volunteer of the Month for July 2005, for his time and dedication to the Northern Santa Barbara County Special Olympics program as the summer season golf coach.

ALTRUSA DONATION
Suzanne Hajnik of the Altrusa International Foundation presented a $20,000 donation to the Santa Maria Public Library for purchase of children's materials at the new library. This is the first of three checks for a total of $60,000.

City Librarian Pinneli graciously accepted the check on behalf of the City.

Resolution No. 2005-114 was adopted authorizing the City Librarian to accept the donation from the Altrusa International Foundation for Library materials on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	Councilmember Mariscal
ABSTAIN:	None

Resolution No. 2005-114 adopted. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE CITY LIBRARIAN TO ACCEPT A DONATION FROM ALTRUSA INTERNATIONAL FOUNDATION, SANTA MARIA FOR LIBRARY MATERIALS.

PUBLIC COMMENT
Nicholas Andersen spoke regarding the response from City Attorney Trujillo to his comments from the July 5, 2005, meeting related to the Meridian Apartments.

City Attorney Trujillo stated the complaints that the speaker mentioned had been thoroughly investigated, and the case has been closed for several years.

CONSENT CALENDAR
Consent Calendar Items A through P were approved with the indicated action on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Mariscal
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar are adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of July 5, 2005, were approved as submitted.

C. ORDINANCE NO. 2005-08
Second reading of Ordinance No. 2005-08 amending Chapter 2 of Title 2 of the Municipal Code regarding City Council salaries was conducted, and the ordinance was adopted.

Ordinance No. 2005-08 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING TITLE 2, CHAPTER 2, OF THE SANTA MARIA MUNICIPAL CODE.

D. GRAND JURY REPORT
Council approved the City's response to the Santa Barbara County Grand Jury Report for 2004/05 and instructed the Mayor to sign and directed the City Manager to transmit the Council's response to the Presiding Judge of the Superior Court and the Grand Jury.

E. BOND RELEASE
Council accepted as complete certain public improvements and authorized the release of a Faithful Performance Bond in the reduced amount of $20,000 for the installation of public improvements associated with the northwest corner of McCoy Lane and Broadway posted in connection with Coyway – McCoy/Broadway Center.

F. BOND RELEASE
Council accepted as complete certain public improvements and authorized the release of a Faithful Performance Bond in the amount of $130,000 for the overlay of College Drive from McCoy Lane to Sunrise Drive posted in connection with Bradley Square, Tract 5782, Phases 5, 8 & 9.

G. BOND RELEASE
Council accepted as complete certain public improvements and authorized the release of a Faithful Performance Bond in the reduced amount of $5,000 for the construction and installation of public improvements posted in connection with Betteravia Business Plaza, Tract 5826, with the order that the Contractor, Labor and Material Bond be held until January 2006 and the Guarantee and Defective Material Bond be held until July 2006.

H. WARRANTS
Warrant Nos. 121210 to 121500 and 22138 in the amount of $5,883,702.45 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant No. 120906 was cancelled.

I. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads as shown on records on file in the Administrative Services Department and having been approved for payment by the Director of Administrative Services.

J. LEASE AGREEMENT
Resolution No. 2005-115 was adopted approving a Lease Agreement with Nextel Communications for land and lighting poles between Simas Park and Elks Field.

Resolution No. 2005-115 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE THE LEASE AGREEMENT BETWEEN NEXTEL COMMUNICATIONS AND THE CITY OF SANTA MARIA ON BEHALF OF THE CITY.

K. ABC LICENSE
A Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License (person to person transfer) for 7-Eleven located at 121 W. Stowell Road was noted and filed.

L. ABC LICENSE
A Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in a restaurant for Mikada Japanese Restaurant located at 209 Town Center West was noted and filed.

M. NOTICE OF COMPLETION
Council accepted as complete the public improvements and approved the Notice of Completion for the Police Department Expansion/Remodel, Bid No. 2002/15.

N. NOTICE OF COMPLETION
Council accepted as complete the public improvements and approved the Notice of Completion for the Main Street Signal Preemption, Bid No. 2005/04.

O. LIMITED TIME PARKING
Resolution No. 2005-116 was adopted approving the establishment of a one-hour Limited Time Parking Zone and establishment of preferential parking privileges in the 100 block of West Camino Colegio.

Resolution No. 2005-116 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING A LIMITED TIME PARKING ZONE ALONG CAMINO COLEGIO AND ESTABLISHING PREFERENTIAL PARKING PRIVILEGES ALONG CAMINO COLEGIO PURSUANT TO SECTION 7-5.14 OF THE SANTA MARIA MUNICIPAL CODE.

P. NO STOPPING ZONES
Resolution No. 2005-117 was adopted approving the establishment of No Stopping Zones on Superior Street and Liberty Street.

Resolution No. 2005-117 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING NO STOPPING ZONES ON SUPERIOR STREET AND LIBERTY STREET PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

ANNUAL WEED ABATEMENT
Director of Public Works Karp gave the staff report. On April 19, 2005, the City Council adopted Resolution No. 2005-61 ordering the Streets and Facilities Manager to abate nuisances consisting of weeds, rubbish, and dirt. Letters were mailed to 167 properties informing the property owners of the need to abate the nuisances. After receiving the letter, property owners abated 143 of the lots. One lot was in the process of being developed. The City's contractor abated weeds and debris on the remaining 23 lots, down from 28 lots abated last year.

Councilmember Orach asked how long the weed abatement program had been in existence.

Director Karp indicated that the program predated his tenure with the City; although, the Streets and Facilities Manager had streamlined the program over the last few years.

Mayor Lavagnino opened the protest hearing. Hearing no protests, the hearing was closed.

Resolution No. 2005-118 was adopted confirming the annual weed abatement assessments for 2005 on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Mariscal
ABSTAIN: None

Resolution No. 2005-118 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CONFIRMING REPORT OF WEED ABATEMENT COSTS FOR ASSESSMENT PURPOSES BY THE STREETS AND FACILITIES MANAGER.

ZONING TEXT AMENDMENTS – SIGNS

Planning Division Manager Bierdzinski gave the staff report. The City's existing sign regulations have not been reviewed or significantly revised since 1978. The current regulations are cumbersome and difficult to administer. Staff has been working with the existing sign companies, the City Attorney's Office, and the Planning Commission to develop a legally defensible and easy to use sign ordinance. The first draft of the sign ordinance was sent to the sign companies early in October 2003. The second draft was sent in September 2004. The most current draft was sent in April 2005. The Planning Commission approved the draft sign ordinance on June 15, 2005. The major changes to the existing sign regulations include (1) simplifying the method of calculating sign area so the ordinance is more user friendly; (2) allowing a variety of sign types for all zones; (3) an increase in the number of signs based on parcel frontage; and (4) permitting sandwich board signs in the downtown core area as defined by the Downtown Specific Plan. The purpose of the new regulations is to provide for more attractive signage and an overall improvement of the local aesthetic environment.

Councilmember Orach commented with the City's population any regulations regarding signs or other items like this should be in both English and Spanish.
Planning Division Manager Bierdzinski stated they would be developing a brochure in both English and Spanish for the new sign ordinance. They also had other bilingual information available for the department.

Councilmember Orach talked about the downtown core area where sandwich board signs would be permitted and commended staff on the wording in the new ordinance.

Mayor Lavagnino opened the public hearing.

With no requests to speak having been received, the public hearing was closed.

Resolution No. 2005-119 was adopted approving a Negative Declaration of environmental impact related to Ordinance No. 2005-09 on motion by Councilmember Patino, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Mariscal
ABSTAIN: None

Resolution No. 2005-119 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION (E-2004-003) FOR ZONING TEXT AMENDMENTS, Z-2003-001.

Ordinance No. 2005-09 amending Chapters 2 and 34 of Title 12 of the Municipal Code was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Patino, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Mariscal
ABSTAIN: None

Ordinance No. 2005-09 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE AMENDMENTS TO CHAPTERS 2 AND 34 (SIGNS) OF TITLE 12 OF THE SANTA MARIA MUNICIPAL CODE, Z-2003-001.

APPOINTMENTS TO BOARD/COMMITTEES

Chief Deputy City Clerk Perez gave the staff report. The Council is requested to make one appointment to the Library Board of Trustees and four appointments to the Block Grants Advisory Committee. One additional vacancy on the Block Grants Advisory Committee will be readvertised as insufficient applications were received. Applications were received from incumbent William Peterson for the Library Board of Trustees, and from incumbents Dennis Carter, Edgar Cifuentes, Bodil Cudd, and Raul Zermeno for the Block Grants Advisory Committee. No other applications were received.

Mayor Lavagnino appointed William Peterson to another three-year term on the Library Board of Trustees.

The appointment was confirmed on motion by Councilmember Orach, seconded by Councilmember Patino, and carried unanimously.

Nominations were made to reappoint Dennis Carter, Edgar Cifuentes, Bodil Cudd and Raul Zermeno to three-year terms on the Block Grants Advisory Committee.

The appointments were confirmed on motion by Councilmember Orach, seconded by Councilmember Patino, and carried unanimously.

Staff was directed to readvertise the remaining vacant seat on the Block Grants Advisory Committee for appointment at a future date.

OPEN WATERFRONT ORDINANCE

Director of Recreation and Parks Posada gave the staff report. There are currently no guidelines or policies for use of open waterfronts or bodies of water that are an acre or larger in size within the City's Park system. The proposed ordinance adding Chapter 4 to Title 10 of the Municipal Code provides definitions, types of permitted uses, and enforcement authority. Public use in or on a body of water by an individual, association, or organization would require a permit. The types of uses that would require a permit include operation of motor-powered boats and watercrafts, swimming, wading, skin diving, scuba diving, and snorkeling. The Director of Recreation and Parks can also designate areas for fishing; however, those fishing would be required to follow all State and Federal fishing laws. The ordinance would also help with water in retention basins during the rainy season.

Mayor Lavagnino stated he noticed that motorboats were prohibited but did not see anything about sailboats. He asked if sailboats would be permitted.

Director Posada replied that sailboats and sailboards would be permitted subject to the requirements in the ordinance.

Ordinance No. 2005-10 was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Mariscal
ABSTAIN: None

Ordinance No. 2005-10 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADDING CHAPTER 4 TO TITLE 10 OF THE SANTA MARIA MUNICIPAL CODE REGARDING OPEN WATERFRONT RECREATIONAL PARK AREAS.

REPORT BY CITY MANAGER
City Manager Ness reported that the 4th Quarter Financial Report was the only regular business item for the August 2, 2005, City Council meeting.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS
Councilmember Trujillo reported on a family celebration on July 31st at Casa de Lopez for family members from Colorado and New Mexico. Some of our families have been in New Mexico 406 years.

Councilmember Trujillo also welcomed two visitors staying with him, and said they were enjoying Santa Maria.

Councilmember Orach thanked Public Works and the Railroad for removing the railroad tracks at College and Bradley that he had mentioned at the last meeting and for the new curbs, gutters and sidewalks.

Councilmember Orach also talked about the costs for the Michael Jackson trial and commended staff for their efforts in bringing in revenue to offset the costs.

Councilmember Orach commented on the new Geographical Information System (GIS) that the City was purchasing. It would map the entire City and would be a great help to the Police Department, Fire Department, and Community Development Department.

Councilmember Orach reported on upcoming Centennial events including the flag raising ceremony on August 13th at 11:00 a.m. in front of City Hall, and the events of the weekend of September 9th, 10th and 11th to close the Centennial year.

Councilmember Orach also thanked the Mayor and Supervisors Gray and Centeno for paving Highway 135 from Carmen Lane to McCoy and then to Waller Lane. Caltrans is now paving all the way to Skyway Drive.

Mayor Lavagnino asked if Caltrans would be reimbursing the City for any of the work.

City Manager Ness reported that his office was in the process of preparing a letter for the Mayor's signature to request reimbursement.

Councilmember Patino reported on an article from the Bakersfield Californian regarding dismantled vehicles on front yards. They are adopting new rules limiting people to a single non-operating vehicle that can be seen from adjacent property. She recommended the City look at a similar program and indicated she had given a copy of the article to a member of the Code Compliance Board.

CLOSED SESSION:
The City Council recessed to a Closed Session at 7:15 p.m. for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria.

After the Closed Session, the following was announced:

Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report. No reportable action.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 7:40 p.m. by order of Mayor Lavagnino.

APPROVED

August 2, 2005
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST
Chief Deputy City Clerk

Mayor of the City of Santa Maria